vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.244 OF 2006
IN
WRIT PETITION NO.8065 OF 2005
A/W
CIVIL APPLICATION NO.316 OF 2006

Saraswati Shikshan Sanstha & Ors. ... Appellants
V/s.
Shantaram Yuvraj Patil & Ors. ... Respondents

a/w
LETTERS PATENT APPEAL NO.245 OF 2006
IN
WRIT PETITION NO.7998 OF 2005
A/W
CIVIL APPLICATION NO.317 OF 2006

Saraswati Shikshan Sanstha & Ors. ... Appellants
V/s.
Kailash Pandit Desale & Ors. ... Respondents

a/w
LETTERS PATENT APPEAL NO.271 OF 2006
IN
WRIT PETITION NO.7471 OF 2005

Saraswati Shikshan Sanstha & Ors. ... Appellants
V/s.
Manisha Madhukar Sonar & Ors ... Respondents

a/w
LETTERS PATENT APPEAL NO.272 OF 2006
IN
WRIT PETITION NO.8066 OF 2005

Saraswati Shikshan Sanstha & Ors. ... Appellants
V/s.
Mohan Ganpat Patil & Ors. ... Respondents

a/w
LETTERS PATENT APPEAL NO.273 OF 2006
IN
WRIT PETITION NO.7472 OF 2005

Saraswati Shikshan Sanstha & Ors. ... Appellants
V/s.
Anita Bhikan Pankar & Ors. ... Respondents

and
LETTERS PATENT APPEAL NO.274 OF 2006
IN
WRIT PETITION NO.7473 OF 2005

Saraswati Shikshan Sanstha & Ors. ... Appellants
V/s.
Smita Chhagan Zambare & Ors. ... Respondents

Mr.Dilip Bodke a/w Pradeep Shingale for Appellant
Mr.N.R. Bubna for Respondents

CORAM: **S.B. MHASE &**
SMT.NISHITA MHATRE, JJ.

DATED: **FEBRUARY 28, 2007**

P.C.:

. Heard learned Counsel for Appellant. We find that the learned Single Judge has admitted the Petitions and refused the interim relief. As against the rejection of the interim relief, the present Letters Patent Appeals have been filed. The teachers who have practically completed 4 years' service with the appellant have been orally terminated. The School Tribunal has held that the said order of oral termination is erroneous one and directed reinstatement of the respondents. As against that order of the School Tribunal, Writ Petitions have been preferred before the Single Judge wherein the learned Single Judge refused to grant any interim relief. It appears prima facie that the contention of the appellant that the substantive posts were filled in by temporary appointments and

thereby, the respondents are not entitled to have a claim on it. It is a well settled position in law that when a substantive post is filled up as per law and after due process for selection has been followed, any person appointed has to be on probation in accordance with Rule 5 of the M.E.P.S. Rules. The learned Single Judge has thoroughly considered the position in law on the basis of the law reported in various judgments. We find that the reasons given for the rejection of interim relief are sound reasons and no interference at the hands of this Court is required.

2. Letters Patent Appeals are without any merit. They are accordingly rejected in limine.

3. In view of the disposal of the Letters Patent Appeals, nothing remains in the Civil Applications and the same are disposed off accordingly.

(NISHITA MHATRE, J.) (S.B. MHASE, J.)